

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DARYL DEAN WHITEBIRD,)
)
Plaintiff,)
)
v.) Case No. CIV-19-184-SLP
)
TODD GIBSON, et al.,)
)
Defendants.)

O R D E R

Before the Court is the Report and Recommendation of United States Magistrate Judge Gary M. Purcell entered March 25, 2019 [Doc. No. 9]. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety. Plaintiff's First Amendment claim based on the lack of access to a law library and his claim based upon Cleveland County Detention Center's grievance system are DISMISSED for failure to state a claim. Further, Plaintiff's retaliation claim brought against Sheriff Todd Gibson and Captain Glasco is DISMISSED for failure to state a claim based on their lack of personal participation.

IT IS SO ORDERED this 25th day of April, 2019.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE